



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

Telephone

(617)-796-1120

Telefax

(617) 796-1142

E-mail

mkruse@ci.newton.ma.us

David B. Cohen
Mayor

DATE: May 21, 2004

TO: Zoning and Planning Committee

FROM: Michael Kruse, Director of Planning and Development
Alexandra Ananth, Planner

SUBJECT: **Supplemental Information**
Docket item #332-03, ALD. LIPSITT requesting discussion of possible ordinance amendment to control construction of fences or walls on or near property lines

CC: Mayor David B. Cohen
Board of Alderman
Brooke K. Lipsitt
Mark Gilroy, Commissioner of Inspectional Services
Richard Griffin, Chairman, Urban Design and Beautification Commission
Roger Wyner, Chairman, Planning Board

Since the March 22, 2004 Public Hearing and the April 12, 2004 Zoning and Planning Committee meeting, the Planning and Law Departments have made a number of revisions to the proposed fence ordinance based on comments and suggestions from those meetings. The proposed ordinance revisions are highlighted in **bold** type (*SEE "ATTACHMENT A"*), and include:

- Illustrations on pages 2 and 5;
- Definition of "Repair" has been clarified on page 3;
- Language in Section 20-40(d)(2), on page 3, for fences bordering side lot lines and within 2 ft. of the front lot line are now limited to 4 ft. in height;
- Language in Section 20-40(d)(4), on page 4, now includes limited access fences up to 12 ft. in height along MBTA lines; and
- New provision added to Section 20-40(g), on page 6, regarding the State Building Code requirements for enclosing private swimming pools.

The Planning Department has looked at many sample ordinances from municipalities both in and out of Massachusetts and decided to keep the proposed ordinance as simple as possible, while maintaining flexibility for property owners. The language of both the Historic District Ordinance

and the Zoning Board of Appeals procedures were reviewed as models for proposed language in Section 20-40(h), page 6, *Exceptions*. Planning Department staff has also consulted with the Newton Historical Commission, all three local Historic District Commissions, the Urban Design and Beautification Commission, the Commissioner of Inspectional Services, and the Landscape Advisory Council. At their recent meeting, the Landscape Advisory Council requested that Chairman Stern convey the “Council’s strong endorsement of the stated purpose of the proposed ordinance” (*SEE “ATTACHMENT B”*).

As demonstrated in our earlier PowerPoint presentation on this subject, over the past two years there has been what seems like a proliferation of solid barrier fences going up along the sidewalks and streetscapes of Newton, creating a “tunnel effect” and blocking visual open space. The Planning Department believes this proposed ordinance addresses concerns raised in past discussions and that the establishment of a Fence Ordinance is in the best interest of public safety, maintaining neighborhood character, and will help promote the natural and open characteristics of the City’s streetscapes. If you have any further questions regarding this subject, please let us know. Thank you.